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Attorney Docket No.: 43890-764
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Doukei NAGAYASU

Serial No.: 10/553,227

Filed: October 14, 2005

For: OPTICAL FIBER AMPLIFIER AND OPTICAL AMPLIFYING ...
MACHINING APPARATUS BOTH EMPLOYING LASER OSCILLATOR

: Customer No.53080
:
: Confirmation No.: 8982
:
: Group Art Unit: 3663
: Examiner: DEANDRA M. HUGHES
:

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed January 5, 2007, having a shortened statutory period for response set to expire February 5, 2007, a petition for one month extension of time up to and including March 5, 2007 being filing concurrently herewith, wherein the Examiner required restriction between the following distinct *Species*:

- Species 1: (Claims 1, 7, 8, 12-22, 24 and 26) The embodiments of figures 1A and 1B;
- Species 2: (Claims 1, 7, 9, 11 and 13-26) The embodiments of figures 2A and 2B;
- Species 3: (Claims 1, 2, 7, 8, 12-15, 18, 20, 24 and 26) The embodiments of figures 3A and 3B;

- Species 4: (Claims 1-3, 7, 14, 15, 18, 20, 24 and 26) The embodiments of figures 4A and 4B;
Species 5: (Claims 1, 7, 10 and 12-26) The embodiments of figures 6A and 6B; and
Species 6: (Claims 4-8, 11 and 13-26) The embodiments of figures 7A and 7B.

Applicant elects Species 1, (the embodiments of Figures 1A and 1B) with claims 1, 7, 8, 12-22, 24 and 26 readable thereon, for initial prosecution on the merits. Applicant also reserves the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: _____

3/5/07

By: _____

Michael E. Fogarty
Registration No.: 36,139

600 13th Street, N.W., Suite 1200
Washington, D.C. 20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087